

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

TIAJUANA FINLEY WILLIAMS, mother of)	
minor RLF,)	
)	
Plaintiff,)	
)	No. 2:19-cv-02048-SHL
v.)	
)	
COMMISSIONER OF SOCIAL SECURITY,)	
)	
Defendant.)	

**ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING CASE**

Before the Court is Chief Magistrate Judge Vescovo’s Report and Recommendation (“Report”), filed June 14, 2019. (ECF No. 9.) Chief Magistrate Judge Vescovo recommends dismissal of this matter based on the lack of subject matter jurisdiction. Plaintiff did not file a response, and, therefore, no objections to the Report.

A magistrate judge may submit to a judge of the court proposed findings of fact and recommendations for involuntary dismissal of an action for failure to prosecute. 28 U.S.C. § 636(b)(1)(B). “Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.” Fed. R. Civ. P. 72(b)(2); see also 28 U.S.C. § 636(b)(1). A district court reviews de novo only those proposed findings of fact or conclusions of law to which a party specifically objects. Fed. R. Civ. P. 72(b)(3); see also 28 U.S.C. § 636(b)(1).

The deadline to object to the Report was July 1, 2019, and Plaintiff filed no objections. The Court has reviewed the Report for clear error and finds none. The ruling is based on this action being originally filed in General Sessions Court, a Tennessee state court which lacked subject matter jurisdiction over this matter. It was removed based on 28 U.S.C. §1442, which,

arguably, still includes the principles of derivative jurisdiction. Given the “clear error” standard which guides this review and the lack of any response from Plaintiff, the Court will not disturb the Report’s conclusion regarding the applicability of derivative jurisdiction to a 28 U.S.C. §1442 removal. Therefore, the Court **ADOPTS** the Magistrate Judge’s Report. Plaintiff’s claim is **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED, this 26th day of June, 2020.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
UNITED STATES DISTRICT JUDGE